

FILED
IN COURT
ASHEVILLE, N.C.
FEB 18 2009
U.S. DISTRICT COURT
W. DIST. OF N.C.

CONSENT ORDER AND JUDGMENT OF FORFEITURE

Case 1:08-cr-00128-MR-WCM Document 135 Filed 02/18/09 Page 1 of 2

One unknown make revolver, .22 caliber, s/n TX76045.

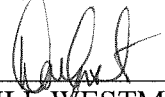
The United States Marshal and/or other property custodian for the investigative agency is authorized to take possession and maintain custody of the above-described tangible property.

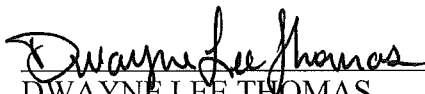
Upon the seizure of any property to satisfy all or part of the judgment, the United States shall, to the extent practicable, provide direct written notice to any persons known to have alleged an interest in the seized property, and shall publish notice of this forfeiture as required by 21 U.S.C. § 853(n) and the aforementioned Order of this Court No. 3:05MC302-C (September 8, 2005).

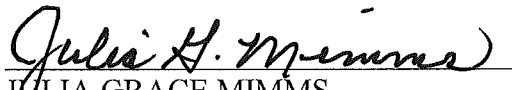
Any person, other than the defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.

Following the Court's disposition of all timely petitions filed, a final order of forfeiture shall be entered, as provided by Fed. R. Crim. P. 32.2(c)(2). If no third party files a timely petition, this order shall become the final order and judgment of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.


GRETCHEN C. F. SHAPPERT
UNITED STATES ATTORNEY


For JILL WESTMORELAND ROSE
Assistant United States Attorney


DWAYNE LEE THOMAS
Defendant


JULIA GRACE MIMMS
Attorney for Defendant

Signed this the 18th day of February, 2009.


DENNIS L. HOWELL
UNITED STATES MAGISTRATE JUDGE